



77 Water Street, New York, NY 10005 P. 212.584.0700 F. 212.584.0701

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March 18, 2014

By Email & Facsimile

Honorable Cathy Seibel
United States District Judge
Southern District of New York
Hon. Charles L. Brieant Jr. Federal
Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

Application Granted / Denied
So Ordered.

Cathy Seibel

Cathy Seibel, U.S.D.J.

Dated: 3/18/14

*Unless otherwise advised,
the parties should be prepared
to discuss these
issues at the
4/2
conference.*

Re: *In re Mirena IUD Products Liability Litigation,*
No. 13-MD-2434 (CS) (LMS)

Dear Judge Seibel:

The Plaintiffs' leadership are in receipt of Defendants' letter dated March 17, 2014, in which Defendants request a pre-motion conference to discuss (i) their alleged right to depose individual Plaintiffs prior to the selection of cases for the Initial Disposition Pool ("IDP") and (ii) their alleged right to communicate with and depose Plaintiffs' treating physicians prior to IDP selection.

Plaintiffs respectfully request that they be afforded until next Monday, March 24, 2014 to respond to the substance of Defendants' letter. With the next status conference only some two weeks away, there is no compelling reason for Defendants to require an earlier, separate conference to address these issues outside normal, regularly-scheduled status conference channels. The topics that Defendants wish to raise simply pertain to the scope of permissible discovery, not unlike numerous similar issues that the Court has addressed at prior status conferences. Simply put, the issues about which Defendants have written to the Court are no different than other disputes as to which the parties have presented their positions in writing in advance of status conferences. Indeed, although they dress up the presentation of their position as a request for a separate pre-motion conference, Defendants do not make clear what specific motion it is that they seek permission to file. x

Nor, contrary to their suggestion, does Defendants' letter present exigent circumstances that warrant consideration of these topics earlier than the next regularly-scheduled status conference. While they point to the June 3, 2014 deadline for IDP selection, it should be noted

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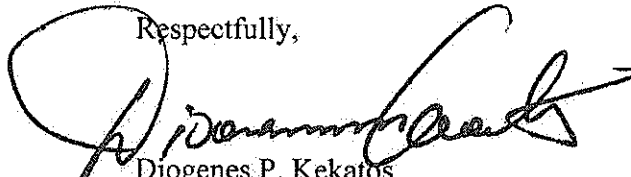
that Defendants waited until *after* the last status conference on February 26, 2014 to begin sending out letters requesting dates for depositions of Plaintiffs.

Plaintiffs further note that Defendants transmitted their letter late in the afternoon yesterday, on the day before a scheduled afternoon-long conference with Judge Smith in this litigation to address discovery issues, as to which Defendants were well aware that Plaintiffs' Co-Lead Counsel were preparing. The timing of their letter hampers the ability of the Plaintiffs' leadership to submit a written response to the substance of Defendants' arguments within the three-day period ordinarily prescribed by the Court's Individual Rules with respect to pre-motion conference requests.

A response submitted next Monday, March 24th should still allow the Court sufficient time to have the parties' respective positions presented in writing some nine days before the April 2nd conference, permit a thorough discussion of these issues at the conference, and facilitate a timely resolution of the parties' dispute.

We thank the Court for its consideration of this request.

Respectfully,



Diogenes P. Kekatos
Plaintiffs' Liaison Counsel

cc: **By email**

Shayna S. Cook, Esq.
James Shepherd, Esq.
William P. Harrington, Esq.
James R. Ronca, Esq.
Matthew J. McCauley, Esq.
Fred Thompson III, Esq.